

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Cavalier Telephone, LLC,)	
)	
Complainant,)	
)	
v.)	File No. EB-02-MD-005
)	
Virginia Electric and Power Company)	
d/b/a Virginia Power,)	
)	
Respondent.)	
)	

ORDER

Adopted: December 2, 2002

Released: December 3, 2002

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 1, 2002, Cavalier Telephone, LLC (“Cavalier” or “Complainant”) filed a formal complaint (“Complaint”) against Virginia Electric and Power Company (“Dominion”) pursuant to section 224 of the Communications Act of 1934, as amended (“Act”).¹ This Complaint follows another complaint proceeding between these same parties, which resulted in an Order by the Cable Services Bureau that was released on June 7, 2000.² The Complaint alleges that Dominion failed to compensate Cavalier to the extent required by the *June 7 Bureau Order*; imposed improper engineering charges on Cavalier in retaliation for the *June 7 Bureau Order*; and attempted to compel arbitration of a dispute between the parties in violation of section 224 of the Act and the *June 7 Bureau Order*.³

2. On November 6, 2002, the parties filed a Joint Notice of Settlement and Motion to Dismiss, in which they state that they have reached a mutually-acceptable resolution of the

¹ 47 U.S.C. § 224 (“Pole Attachment Act”).

² *Cavalier Telephone, LLC v. Virginia Electric and Power Company*, Order and Request for Information, 15 FCC Rcd 9563 (Cable Serv. Bur. 2000) (“*June 7 Bureau Order*”).

³ *Cavalier Telephone, LLC v. Virginia Electric and Power Company*, Complaint, File No. EB-02-MD-005 (filed Apr. 1, 2002).

issues alleged in the Complaint, and move that we dismiss the Complaint without prejudice.⁴

3. We grant the parties' joint motion to dismiss the complaint, without prejudice.⁵ We find that dismissal at this stage is appropriate, and will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of additional time and resources of the parties and this Commission.

4. ACCORDINGLY, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 224, and section 1.1415 of the Commission's rules, 47 C.F.R. § 1.1415, and authority delegated by sections 0.111, and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the joint motion to dismiss without prejudice the above-captioned complaint filed by Cavalier IS GRANTED in its entirety.

5. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i), 4(j), and 224 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 224, and section 1.1415 of the Commission's rules, 47 C.F.R. § 1.1415, and authority delegated by sections 0.111, and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the above-captioned complaint IS DISMISSED without prejudice and this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Enforcement Bureau

⁴ *Cavalier Telephone, LLC v. Virginia Electric and Power Company*, Joint Notice of Settlement and Motion to Dismiss, File No. EB-02-MD-005 (filed Nov. 6, 2002).

⁵ *See generally* Fed.R.Civ.P. 41(a)(1).